

Exhibit 5

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

DONNA CURLING, *et al.*

Plaintiffs,

v.

BRAD RAFFENSPERGER, *et al.*,

Defendants.

CIVIL ACTION

FILE NO. 1:17-cv-2989-AT

SECOND SUPPLEMENTAL DECLARATION OF JACK COBB

Pursuant to 28 U.S.C. § 1746, I, JACK COBB, make the following declaration:

1. My name is Jack Cobb. I am over the age of 21 years, and I am under no legal disability which would prevent me from giving this declaration. If called to testify, I would testify under oath to these facts.
2. My background is summarized in my prior declaration, filed at [Doc. 821-6].
3. A Voting System Test Laboratory (VSTL) can submit its letter report about a software change to the EAC at any time, but the EAC will not take action until an ECO is received from the manufacturer.

4. Pro V&V finalized its letter report on Friday, October 2, 2020. It sent that letter report to the Georgia Secretary of State the same day and also sent it to the EAC directly. A copy of the email I sent to Jerome Lovato and Mona Harrington at the EAC on Friday is attached as Ex. 1.

5. Also on Friday, October 2, 2020, I informed Michael Barnes that the letter report had been sent to the EAC and to Dominion.

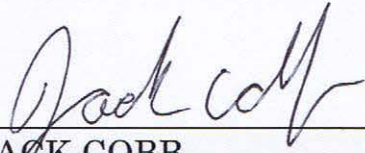
6. Mr. Lovato from the EAC emailed Dominion on Friday asking if they would be submitting the ECO for the change based on the Pro V&V test report they received from me. Ian Piper from Dominion then submitted the ECO on Monday, October 5, 2020 at 12:32pm. Mr. Piper then resubmitted the ECO on Tuesday, October 6, 2020 at 6:43pm. The next morning, the EAC officially requested the full analysis and documentation from Pro V&V. The email chain reflecting this sequence of events is attached as Ex. 2.

7. On Wednesday, October 7, 2020, Pro V&V submitted its Engineer Change Order Analysis Form to the EAC along with the supporting documentation. The ECO Analysis Form is attached as Ex. 3.

8. When the EAC finishes its process and agrees that the change is *de minimis*, it will notify Pro V&V and Dominion. That notification has not yet been received. At this time, I see no reason why the EAC will not agree

with our determination and I expect the EAC to approve the change as *de minimis*.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 9th day of October, 2020.



JACK COBB

EXHIBIT 1

From: Jack Cobb
Sent: Friday, October 2, 2020 4:04 PM
To: Jerome Lovato <jlovato@eac.gov>
Cc: Mona Harrington <mharrington@eac.gov>
Subject: FW: DVS ICX 5.5.10.32

Just FYI, this is being filed with in Federal Court COB today.

From: Jack Cobb
Sent: Friday, October 2, 2020 3:58 PM
To: 'Barnes, Michael' <mbarnes@sos.ga.gov>
Cc: Wendy Owens <wendy.owens@provandv.com>
Subject: DVS ICX 5.5.10.32

Mr. Barnes,

Please see the attached letter containing the evaluation of the ICX 5.5.10.32 software that you requested. If you have any questions feel free to contact me or Wendy Owens.

Thanks
Jack Cobb

Jack Cobb
6705 Odyssey Drive
Suite C
Huntsville, AL 35806
Office: 256-713-1111
Fax: 256-713-1112
Cell: 256-683-6971

PRO V&V



EXHIBIT 2

From: Jerome Lovato <jlovato@eac.gov>
Date: October 7, 2020 at 11:36:50 AM CDT
To: Ian Piper <ian.piper@dominionvoting.com>, Wendy Owens <wendy.owens@provandv.com>
Cc: Paul Aumayr <paumayr@eac.gov>, Mona Harrington <mharrington@eac.gov>, Jack Cobb <jack.cobb@provandv.com>
Subject: Re: [EXTERNAL] DVS ICX software ECO

Good morning Wendy,

Will you please send us the analysis and all associated documentation for this ECO?

Thank you,
Jerome

On Tue, Oct 6, 2020 at 6:43 PM Ian Piper <ian.piper@dominionvoting.com> wrote:

Jerome:

To clarify, Dominion Voting Systems is submitting ECO 100714 (please see attached) for review by the EAC as a software de minimis change. ProV&V has provided the EAC with the Letter Report (LR-01-02-GA-ICX) that they produced for a state level review of the change.

If you have any questions regarding this ECO, please let me know.

Sincerely:

IAN S. PIPER | CERTIFICATION DIRECTOR

DOMINION VOTING SYSTEMS, INC.

1201 18th Street, Suite 210, DENVER, CO 80202

866-654-VOTE (8683) | DOMINIONVOTING.COM

720-257-5209 OFFICE (x9221)

703-244-3180 MOBILE

From: Ian Piper
Sent: Monday, October 5, 2020 12:32 PM
To: 'Jerome Lovato' <jlovato@eac.gov>
Subject: RE: [EXTERNAL] DVS ICX software ECO

Jerome:

Attached is ECO 100714 that is associated with the VSTL Test Report that you received from ProVV on ICX 5.5.10.32.

If you have any questions, please let me know.

Sincerely:

IAN S. PIPER | CERTIFICATION DIRECTOR

DOMINION VOTING SYSTEMS, INC.

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703-244-3180 MOBILE

From: Jerome Lovato <jlovato@eac.gov>
Sent: Friday, October 2, 2020 5:38 PM
To: Ian Piper <ian.piper@dominionvoting.com>
Subject: [EXTERNAL] DVS ICX software ECO

Hi Ian,

I was forwarded a test report for the DVS ICX 5.5.10.32 from Pro V&V. Will you be submitting a software ECO to the EAC for this change?

Thank you,

Jerome

Confidential Notice: This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy. This email, including all attachments, may constitute a Federal record or other Government property that is intended only for the use of the individual or entity to which it is addressed. If you are not the intended recipient or the employee or agent responsible for delivering the transmission to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this email or its contents is strictly prohibited. If you have received this email in error, please notify the sender by responding to the email and then immediately delete the email.

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EXHIBIT 3

**ENGINEER CHANGE ORDER (ECO) ANALYSIS FORM**

Manufacturer:	Dominion Voting Systems
System:	ImageCast X
ECO Number:	100714
ECO Description:	Updated ICX application to provide proper screen rendering of a multi-column contest when a multiple of other factors are combined with this contest display mode.

Overview:

Updated ICX application to provide proper screen rendering of a multi-column contest, when scrolling is turned off, when using a large database, and when specific user actions are required. This combination of factors is rare and the manifestation only affects the display of that multi-column contest and can only occur once per cycling of the machine.

Products Affected: ImageCast X

Add:

ICX 5.5.10.32 Application Software for use with election databases displaying a contest using multiple columns.

The software will be used with the following EAC certified Democracy Suite (D-Suite) system:
5.5-A

The software will be used with the following state certified Democracy Suite (D-Suite) system:
5.5-A (GA)

Supporting Documentation:

ECO 100714 ICX 5.5-A Update (*Dominion ECO*)

Engineering Recommendation:

Source Code Review, Witness Build, and Accuracy testing performed to approve change. Based on the review of the source code and nature of the change, Pro V&V recommends the change be deemed as de minimis. Based on the testing performed and the results obtained, it was verified through source code review and functional testing that the issue found in ICX version 5.5.10.30 can't be reproduced in ICX version 5.5.10.32. No additional testing is required.

Engineering Analysis: De Minimis - No Testing Required**Reviewer:**

Wendy Owens

Printed Name

Wendy Owens
Signature

10/07/2020

Date

Approver:

Jack Cobb

Printed Name

Jack Cobb
Signature

10/07/2020

Date